

REMARKS

This application has been reviewed in light of the Office Action dated May 2, 2008. Claims 1-16 are presented for examination, with Claims 1, 15, and 16 being in independent form. Favorable reconsideration is respectfully requested.

Claims 1-2, 4-11, 13 and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2007-0118461 (*Arkes*) in view of U.S. Patent Application Publication 2005-0246541 (*Ginter et al.*, hereinafter *Ginter*); Claim 3 under § 103(a) as being unpatentable over *Arkes* in view of *Ginter* and further in view of U.S. Patent Application Publication 2005-0197919 (*Robertson*); Claim 12 under § 103(a) as being unpatentable over *Arkes* in view of *Ginter* and further in view of U.S. Patent Application Publication 2004-0260645 (*Yakos*) and U.S. Patent Application Publication 2002-0062249 (*Iannacci*); Claim 14 under § 103(a) as being unpatentable over *Arkes* in view of *Ginter* and further in view of U.S. Patent Application Publication 2004-0015394 (*Mok et al.*, hereinafter *Mok*).

As discussed in the specification and the Amendment of February 5, 2008, the present invention facilitates reward redemption through online bidding by providing a middleware application that interfaces between a plurality of account managers, each offering a rewards program, and a plurality of standalone auction systems. The middleware application registers a rewards program participant with an auction system, ensures that a bid amount is valid against the amount of fund in the participant's rewards account and the amount of the highest bid so far, and deducts the bid amount from the rewards account when the bid is successful. It makes it easy for members of plural rewards programs to

participate in any of a plurality of standalone auction systems (Para. 0067), thereby offering substantial flexibility to reward redemption through online bidding.

As understood by Applicants, *Arkes* discloses an actual auction system for a given rewards program, containing a list of auction participant records with their reward information, a catalog of auction items, and a log of bidding transactions, among other things (*See* Paras. 0030 – 0038). Unlike the relatively light-weight “middleware application” recited in Claim 1, which gets information relating to a rewards account and and an auction by “act[ing] as an interface between account managers and the plurality of auction systems,” the *Arkes* system is a self-contained auction system and does not interface with any other standalone auction system.

On page 3, point 5 of the Office Action, it states that *Arkes* provides “selecting an auction system from a plurality of auction systems, wherein each auction system manages a plurality of auctions.” Applicant respectfully disagrees with this characterization of *Arkes*. As understood by Applicants, *Arkes* discloses only one particular type of *auction system*, which may involve a plurality of *auction items*, rather than the selection of one from many auction systems.

Point 5 of the Office Action further states that *Arkes* does not provide “registering, by an auction middleware application, a rewards account with the auction system, wherein the auction middleware application is adapted to interact with a plurality of account managers offering a plurality of rewards programs, ... wherein the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems” but *Ginter* does. Applicants agree that *Arkes* does not disclose this feature but respectfully disagree with the characterization of *Ginter*.

Ginter relates to secure and trusted handling of digital information, involving an electronic go-between – third party acting between parties of a transaction (*See* Para. 0004) – that can validate, witness, and/or archive digital items involved in a transaction. *Ginter* indicates the use of such an electronic go-between to implement an electronic trading/auction system without revealing much detail. Apparently, the *Ginter* system provides an electronic trading/auction “environment” by allowing the transactions of an auction to take place in a reliable, trusted virtual distribution environment. In other words, *Ginter* appears to teach merely the information security and reliability capabilities of an electronic trading/auction system as information is communicated between parties in an auction. It does not believed to teach or suggest the “registering” feature of Claim 1 recited above.

At best the *Ginter* system enables the construction of a multi-party auction system equipped with hardware and/or software through the use of an electronic go-between (*See, e.g.*, Para. 0569 and Claim 113). Nothing has been found in *Ginter*, however, that would teach or suggest any rewards program or any of “a plurality of account managers offering a plurality of rewards programs,” as recited in Claim 1. Indeed, the “multiple parties to electronically auction goods or services” referenced in *Ginter* are believed to be ordinary auction participants rather than account managers who manage rewards programs without necessarily participating in auctions. Consequently, *Ginter* does not disclose or suggest a middleware application interacting with any of “a plurality of account managers” or with any of “a plurality of auction systems” to “[register]...a rewards account with the auction system,” much less provide “bidding” against rewards accounts, as recited in Claim 1.

Applicants therefore submit that nothing in *Arkes* and *Ginter*, considered separately or in any permissible combination, would teach, suggest, or otherwise result in a “middleware application” or “bidding” as recited in Claim 1.

Accordingly, for at least the reasons noted above, Claim 1 is believed to be allowable over *Arkes* in view of *Ginter*. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claims 15 and 16 recite similar features to those discussed above with respect to Claim 1 and are therefore believed to be allowable over *Arkes* in view of *Ginter* for at least the reasons discussed above.

The other claims in this application are each dependent from Claim 1 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants’ undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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